

Hon. Ronald B. Leighton

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROBERT A. SHOBERG,

Plaintiff,

vs.

GRAYS HARBOR COUNTY, et al,

Defendants.

No. 3:18-cv-06009-RBL

STIPULATED MOTION TO STAY
PROCEEDING, AND
[PROPOSED] ORDER

NOTE ON MOTION CALENDAR:
FEBRUARY 14, 2019

I. RELIEF REQUESTED

COME NOW the parties to this action, by and through counsel of record, and hereby file this stipulated motion pursuant to LCR 10(g) and LCR 7(d)(1) seeking a stay of this proceeding.

II. GROUNDS FOR STAY

When this action was removed to this Court, defendants filed a Notice of Related Case (Dkt. 5) identifying Werner v. Grays Harbor County et al, USDC Western Dist. Of Wash. at Tacoma, No. 3:18-cv-05993-RBL as a case related to this matter, with the following explanation: "These two cases involve the same underlying personal property forfeiture issues arising from a single search and seizure incident, and they are brought against the same defendants. Plaintiffs in these two cases, Ashley Werner and Robert A. Shoberg, are believed to be married, and each claims entitlement to the same items of personal property seized." The

STIPULATED MOTION TO STAY PROCEEDING,
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Werner v. Grays Harbor County, et. al. matter has since been remanded back to Grays Harbor County Superior Court for further proceedings on the property forfeiture claims, after dismissal of all federal claims. *See*, Werner v. Grays Harbor County et al, Dkt. 9. The parties now seek a stay of this proceeding to facilitate a possible combined resolution of all property forfeiture claims in both this matter and the Werner v. Grays Harbor County et al matter. Plaintiff is also considering and may in the interim stipulate to dismissal of his federal claims in this matter and to remand of remaining property forfeiture claims to Grays Harbor County Superior Court.

III. CONCLUSION

For the reasons set forth above, the parties respectfully request that the Court enter an order staying this proceeding, pending filing of a stipulated motion to lift the stay or a stipulation and [proposed] order of dismissal of federal claims, and remand of remaining property forfeiture claims back to Grays Harbor County Superior Court.

Dated this 14th day of February, 2019.

LAW, LYMAN, DANIEL, KAMERRER & BOGDANOVICH, P.S.

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Attorney for Plaintiff

[PROPOSED] ORDER

Having considered the Stipulated Motion above, the Court hereby orders that this proceeding is hereby STAYED, pending filing of a stipulated motion to lift the stay or a stipulation and [proposed] order of dismissal of federal claims, and remand of remaining property forfeiture claims back to Grays Harbor County Superior Court.

IT IS SO ORDERED.

DATED this _____ day of February, 2019.

Ronald B. Leighton
United States District Judge

Presented by:

LAW, LYMAN, DANIEL, KAMERRER & BOGDANOVICH, P.S.

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**STIPULATED MOTION TO STAY PROCEEDING,
AND [PROPOSED] ORDER – 3**

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18 Attorney for Plaintiff

19 **CERTIFICATE OF SERVICE**

20 I certify, under penalty of perjury, under the laws of the United States of America and
21 the State of Washington that on the date specified below, I electronically filed the foregoing
22 with the Clerk of the Court using the CM/ECF system as follows:

23 Plaintiff:

24 Scott A. Campbell, scott@graysharborattorney.com

25 Defendants' Co-Counsel:

26 Jennifer L. Wieland, jwieland@co.grays-harbor.wa.us

Dated this 14th day of February, 2019 at Tumwater, Washington.

/s/Lisa Gates
Lisa Gates
Legal Assistant to Guy Bogdanovich